P7. 56-98

G. R. S. IX-5]

Previous references. 1897-98

192

(xR)

File No. 90-97.

Serial Nos 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-5.

In ~~Part~~ B for February 1899.

SUBJECT.

Gouramma's claim for a building site in Gubbi Kasaba —

Countermarked
pk Indexed
IW

Petition No. 2499 of 6th April 1898

Petitioner Gooramma alias
Pulli Gooramma
Gubbi

Subject

Appeal against the order of the Dy. Commissioner Tumkur District deciding that a certain site claimed by the petitioner under a private sale deed is a Govt. site.

The facts of the case are :-

1. On 24 April 1896 Nanjappa and other residents of Gubbi submitted a petition to the Taluk complaining that as the residents of one particular lane were put to much inconvenience for want of water supply, [illegible] Keeper [illegible] who was then residing in the lane built for public [illegible] a well about 20 years ago on the Govt. vacant site situated inside the site + more particularly described and situated by the side of the public drain in the said lane - that the said [illegible] had also built a watering trough for the use

+ Boundaries
On the E. The back yard of [illegible]
W. Govt. vacant site & well ([illegible])
N. Drain & street
S. The Hittalu of the house ~~of [illegible]~~ in which Pulli Gooramma resides and that of [illegible]

of her cattle and that a stone slab for the use of the public for washing clothes on the site to the east of the said well - that Phillipavramma the owner of the house situated by the side of the said port - site has, with a view to encroach the said [illegible] the site and enclose it in her backyard, dismantled the wall of her backyard and attempted to build a wall on the side of the public drain ~~[illegible]~~ by building a foundation thereof un- -authoritatively - that she has removed the trough and the stone slab and, praying that on personal inspection of the spot orders ~~may~~ might be passed for their restoration -

2. On the same day petitioner Phillipavramma also submitted a petition complaining that on the 23rd idem the Municipal servants came and knocked down the northern wall of her dwelling, [illegible] No. 49 of Nagi- pete, which she had rebuilt, and prevented her from building it - that they had caused her loss to the extent of [illegible] Rs. and that they did not tell her the cause of their doing so and praying that on personal inspection permission might be given to rebuild the wall.

3. The Chairman to whom the above petitions were sent for inspection and report in- -spected the site as directed in time, with ~~[illegible]~~ Municipal Members and [illegible]- -gelours and submitted the Mahazar as drawn up by the [illegible] Tahsildar by

Nos. 311-312 of 25-4-96

the parties, the statements of Ponnamma and others, copy of the sale deed and the view expressed by the members of the Municipality.

4. The [illegible] dated 30-4-96 is to the following effect.

We saw the [illegible] [illegible] to the house of Ponnamma. The wall [illegible] to by the petitioner is not within her site. It is ~~[illegible]~~ beyond it. Ponnamma has allowed her [illegible] [illegible] of the wall to the present. We never heard the existence of [illegible] [illegible] brought up by the petitioner. [illegible] the previous owner of the house had [illegible] the settlement. [illegible] Ponnamma [illegible] left the village [illegible]. [illegible] brought [illegible] Ponnamma [illegible] to build wall on the site. The petitioner says that if the wall built it would cause inconvenience to [illegible] cattle. I do not know what inconvenience this would cause. The house and its [illegible] are not Ponnamma's. They ~~[illegible]~~ [illegible] They were obtained by sale. The position of the wall of the [illegible] of the neighbouring house is [illegible]. The [illegible] site does not belong to [illegible] and it is within the boundaries mentioned in the sale deed. It is usual in villages that many people allowed [illegible] [illegible] of their [illegible] to the [illegible] with a [illegible] [illegible] bathing when required - Besides this there is no other well in the street - The owner of the house had allowed the [illegible] [illegible] street to have been use of the well as otherwise they have to go round about to reach the well - Paramanna, who first claimed the house, did [illegible] - I have seen this. This [illegible] is brought through [illegible] - [illegible] the [illegible] [illegible] one and it does not belong to [illegible]. We have also [illegible] the remaining of the wall built by Paramanna at the cost of [illegible].

5. Another [illegible] is to the following effect

The Western fill [illegible], [illegible], measures East to West 15 ft. and North to South 7 ft. The well in the [illegible] [illegible] has been in existence for the last 20 or 30 years - [illegible] to which [illegible] [illegible] [illegible] [illegible] 1 foot for the [illegible] in the [illegible] of the East of it. We do not know whether the [illegible] belongs to [illegible] as it is on [illegible] [illegible]. [illegible] [illegible] built the well in existence for [illegible]-table purposes viz. for the use of men and cattle - [illegible] [illegible] [illegible] [illegible] here-about. The petitioners have been looking after the well and repairing it at their own cost. The well [illegible] [illegible] [illegible] of the [illegible] [illegible] and about 2½ ft. [illegible] of the remnant of the old wall - The [illegible] of [illegible] [illegible] [illegible] the northern wall -

6. The opinion of the [illegible] [illegible] [illegible] to the following effect: -

It is clear from the [illegible] [illegible] [illegible]

On the 2. [illegible]: [illegible] [illegible] [illegible] [illegible] [illegible]

W - Well [illegible] [illegible]
E - [illegible] street
[illegible] - Paramanna, [illegible]

1894

[illegible]

30-4-96

in favor of Ponnammal [illegible] also from the [illegible] to the adjoining site bought by [illegible] [illegible], from the [illegible] of the wall built by the [illegible] [illegible] [illegible], from the [illegible] [illegible] [illegible] the [illegible] and also from the personal [illegible] of the site that the site is Ponnammal. This site has no connection whatever with the well. The [illegible] of [illegible] in Ponnammal's [illegible] site are not cause any difficulty.

7. Petitioner Ponnammal deposed to the following effect.

The vacant site referred to by petitioner [illegible] other [illegible] of the house [illegible] [illegible] [illegible] were bought by me. They have been in my enjoyment for the last 8 or 9 years. [illegible] had been [illegible] done [illegible] not [illegible]-late the repair of the wall of the [illegible] [illegible]. They were subsequently sold by me on [illegible]. [illegible] [illegible] and [illegible] [illegible] of the houses who are now residing at [illegible] in the [illegible] Taluk. [illegible] that the vacant site formed part of the house and I granted the [illegible] and in the presence of the [illegible]-ing its boundaries. [illegible] and I did not repair the wall of the [illegible] [illegible] after they came to my possession. The walls of the house were [illegible] [illegible];

allowed him to repair and build the wall also - purchased [illegible] at [illegible] west and built the wall, which is alleged by the petitioners was demolished by the Muni-cipal Council [illegible] backyards of my house and that of [illegible] [illegible] (Ex. [illegible] accordingly) - In the [illegible] right [illegible]. The petitioners have not done any work there for the use of the cattle and [illegible] - They had formerly, but a long time [illegible] for [illegible] - It is [illegible] the well - If the petitioners had a right to it they would not have allowed to the [illegible]. There is a distance of 2½ ft - between the well and the Site - There is also an open space to the west of the well - There is no objection to the public taking it as heretofore - I have [illegible] of the [illegible] - On personal [illegible] may be [illegible] permitting him to build the wall there.

8. [illegible] being duly sworn deposes to the following effect. 5-5-96

I am [illegible] in [illegible] of this village. There is a [illegible] to the north of [illegible] - The wall has now fallen down. The adjoining portion of ground containing the well and the small extent of vacant site to the west [illegible] forms part of my house and belongs to me. About 30 years ago [illegible] [illegible], who was residing in [illegible], being the [illegible] in the [illegible] of [illegible] had been [illegible] for want of water [illegible] me, [illegible] him to build a well for charity in the portion of vacant

I had left to visit [illegible] [illegible]
quite distinct [illegible] enquiries for [illegible]
purpose. I have [illegible] [illegible] the
well [illegible] - [illegible] the well [illegible]
[illegible]. - Since then the [illegible] of the [illegible]
have been [illegible] [illegible] [illegible]
I do not know the [illegible] of the [illegible]
[illegible] - [illegible] [illegible]
[illegible] - There was neither [illegible]
[illegible] [illegible] the well re-
-ferred to by [illegible] [illegible] - Only
a stone had been put up for washing
bodies. The site which [illegible] has
applied for permission [illegible]
formed part of [illegible] house - the com-
-pound [illegible] [illegible]
It is now [illegible] [illegible]
an open space - It has since been walled up.

9 - The [illegible] [illegible]
[illegible] the [illegible] of 5-94 [illegible]
to [illegible] [illegible] the [illegible]
house including the [illegible] behind it,
[illegible] [illegible] house
[illegible] [illegible] in the [illegible] part of
[illegible] village

10 - The [illegible] [illegible]
[illegible], reported that the [illegible]
[illegible] from the well - that it
[illegible] from the [illegible] that it
was within the boundaries of the house [illegible]
by [illegible] - and that there were no
[illegible] on the site.

On the E. [illegible] house belonging to
Lal [illegible]
[illegible] [illegible] house
N. S. [illegible].

No. 849 / 6-5-96

Ramesh Chandra well for the use of the residents
of the lane on the [illegible]. That in front of their
houses and constructed a trough for the use
of the men and cattle and built up a site that
for washing cloths on the site measuring 6 x 4 feet
to the East of it. That on the [illegible] Foramma
attempted to enclose the site in her compound
by demolishing its wall - that some residents
of the lane preferred a complaint in the
matter to the Builders, who referred it to
the Overseer - that thereupon they personally
submitted a mahazar of the residents stating
that the cement platform the well had been
in existence for the use of the men and cattle
for the last 40 or 50 years - that in the night
[illegible] the [illegible] of Foramma, a great many,
secured the help of the Municipal Councillor
and persons residing in the place in which he
resides ~~and~~ went and got a mahazar prepared
in their favour, instead of one [illegible]
to the effect that the cement site belonged to Foramma
that the Builders, relying on their mahazar without
inspecting the spot personally gave them an
Endorsement - that the site had been granted
to Foramma to construct a latrine by the side
of the well - that Foramma had commenced
to build walls on the site and attempted to occupy
the [illegible] that [illegible] the grant
to the Builders [illegible] the water trough and
the site for washing cloths, retained for the use
of the public according to [illegible].

15. Accordingly the [illegible] [illegible] passed the following
order.

No. 2860/12-5-96

It is admitted that the site containing the well, trough and the stone for washing etc belong to govt. The petitioner alleges that [illegible] has encroached upon the portion of the site containing trough and stone, enclosed the same in his compound and removed them - Govt should ascertain the truth ~~pe~~ by personal inspection or making enquiries and obtain the sketch showing the ground around the well, the place where the well, trough and stone are existing - the place where the [illegible] wall of [illegible] house was and the place where foundation has now been laid for wall - He will also be asked to [illegible] respondent not to raise the wall pending disposal of the appeal -

Nos. 6846-6807 of 12-5-96

16 - On 12-5-96 the Collector was [illegible] and [illegible] [illegible] [illegible] not to raise the wall [illegible] [illegible] and [illegible] the [illegible] to [illegible] [illegible] [illegible] and [illegible] with the [illegible] of the case [illegible] [illegible]

Collector No. 820 of 26-5-97
Report of 10-6-97

17 - The Collector also wrote and forwarded the [illegible] Inspector's [illegible] the plan of the [illegible] called for by the Dy. Commr.

No. 1221 of 10-1-98
~~[illegible]~~

18 - On 10-1-98 the Collector forwarded the sketch of the Dy. Commr. and reported that [illegible] [illegible] pipe and [illegible] [illegible] formerly the trough existed at the place marked in blue and the stone at the place marked in black in the sketch - that none of them existed at present - that [illegible] had enclosing the wall around the place [illegible] as the [illegible] [illegible] [illegible] [illegible]

rebuilt in accordance with the situation of the neighbouring houses and thus completing the square - that there was no danger to the well from this - that there was [illegible] to the left of the well where a stone for washing the cloth has been lately [illegible] - but clothes were washed here freely - that in the neighbour-ing house owned [illegible] the Municipal Member stated that the site belonged to Framroze and Government was [illegible] permitting her to build the well and that [illegible] might be passed in the matter on inspecting the spot personally during my tour. [illegible] Jamabandi will be held shortly -

19. The above report was [illegible] Mamlatdar [illegible] where he passed the following order:- No. 1027 of 12-1-98 & No. 110 of 16-2-98

I have [illegible] the site [illegible] -ing the well [illegible] - [illegible] that it [illegible] feet - The [illegible] Executed in favour of Framroze [illegible] the boundaries of the [illegible] - It is [illegible] from my inspection that the [illegible] marked F.E.D in the [illegible] Framroze's house - The [illegible] well [illegible] There is no doubt [illegible] that the [illegible] to the [illegible] being [illegible] feet - Framroze should therefore be informed that she may raise a wall on the line marked F.E.D - No. 1136 of 3-3-98

20 To the above effect an endorsement was issued to petitioner Framroze. No. 2107 of 9-3-98

well joining points E and D."

"The ground upon which the well, the trough and the stone slab stand has been registered in the Khaneshumari accounts of 1879-80 under No. 57 and marked as forest site".

BK
30/7/98.

B Seetaramia

The site was in Kasba Gubbi & yet the amildar would not inspect the spot but must have a report with mahazar from the shekdar

The encroachment took place in 1896; hence there is no question of prescriptive right.

The Khaneshumari accounts of 1879 support the view that the site belongs to Govt. While the conveyance relied upon by the petr is defective by reason of the omission of the extent & cannot affect the rights of Govt.

= The place seems to be one of "public resort or use" and

As such comes within the purview of Secn 37 of the L R code

12/8/90

21. On 6-6-78 permission applied to port- [illegible] -

On 1-5-96 she bought house, [illegible] [illegible] with its backyard from [illegible] [illegible] and [illegible] for Rs. [illegible] [illegible] [illegible] duly registered. She com-menced to build on the vacant site situated within the boundaries mentioned in the sale deed - On this the counter petitioner [illegible] [illegible] [illegible] and complained against her to the Tahsil

If the enclosed papers [illegible] [illegible] [illegible] were gone through it will be seen that the site under dispute belongs to the petitioner:

The point of the counter petitioner's com-plaint is that there is a well in site No. 574, referred to in the [illegible] ac-count - that there is a [illegible] built in the [illegible] on the vacant spot belonging to the petitioner and adjacent to the [illegible] - that there is also a [illegible] [illegible] [illegible] and that consequently the spot should be taken from her possession -

If the enclosures of the petition are gone through it will be seen that the allegation about the existence of [illegible] [illegible] is false and that the complaint is frivolous.

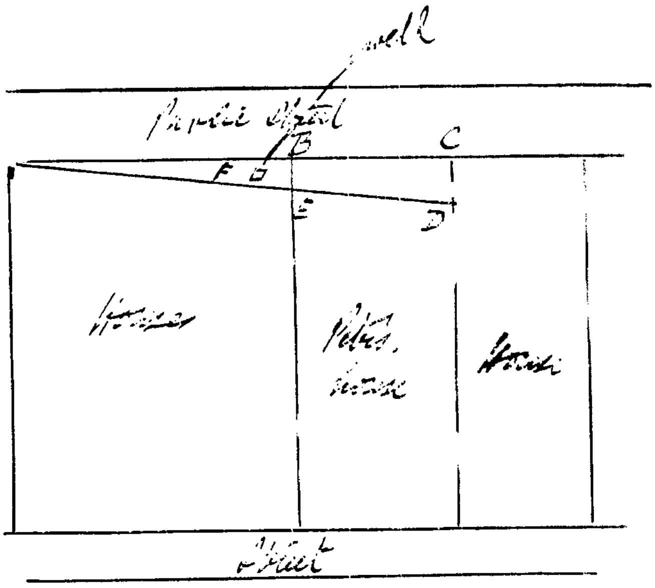
The site under dispute is not vacant. It was obtained by purchase - She is com-pelled to part with it [illegible] [illegible] [illegible] free of the built portion also. So the sum applicable against the [illegible] claimants is held to belong to govt. If the sum is treated as belonging to govt who should be held responsible for the balance amount? The govt. will have to pay it with cost unless it is acquired by govt under the Land Acquisition Act.

The petitioner prayed that the order of the Dy. Commr: may be set aside by treating the site to her.

21. The Dy. Commr: to whom the above petition was forwarded for his report and explanation of the reasons states

Petn/1341 of 30-6-38
No. 33 of 9-7-38

"The petitioner claims the ground marked B.C.D.E on the sketch plan attached as her property. The ground in question is a narrow strip of land adjoining the public street on which a water trough for cattle and a stone slab for washing clothes were placed there. The well marked F is a public well. At points marked E and D there are traces of an old wall which divided the northern boundary of the house belonging to petitioner's [illegible]. Beyond the line joining these two points she has no claim. The mere mention of the public street as the northern boundary in the deed of conveyance under which she holds her house is not sufficient to establish her claim to anything beyond the



Before the Government of Mysore.

Appeal No. 19 of 1897-98.

Appellant. Vs. ~~Respondent.~~

Gauramma alias
Chitta Gauramma of
Gubbi

Subject: — Dispute regarding a building site at Gubbi. Whether Secn 37 or 59 is applicable to this case: also Secn 136

Posted to the 3rd Oct.
Subd to 1st Committee
28/9/98

994²

Seen
[illegible]
appeal [illegible] does not
clearly [illegible]
[illegible]
See attached.

28/9/98

29/9/98

[illegible] 10th
3/10/98

Appeal [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Drafted [illegible] 18/2

[illegible]
[illegible]
[illegible]

18/2

applt: absent
order pronounced
13/2/99

Subd Collegiate [illegible] 1898

(1) 2 R. stamp affixed
stamp suff

(2) The order of the Dy Commr complained of was communicated by Amildar's Endt d. 9. 3. 98
(In time)

Mlh
11/4 98

(3) Appeal against the Dy Commr's order deciding that a certain site claimed by the petr under a private sale deed is Govt land

(4) Appears to be a council case as coming under "claims respecting the occupation of waste land belonging to ~~occupied~~ Govt"

The opinion of the Municipal members seems to have been taken as well as the opinion of the adjacent residents. It is not clear what jurisdiction the Municipality has in this matter. If an eviction were necessary ~~under~~ it is the Dy commr & not the President who could act under Secn 37 of the LR code. ~~Under the~~ Under the existing law there appears to be no provision enabling the minor municipal corporations to decide such questions of title or of cases of wrongful trespass.

Sub to Rev Councillor
Eastern Dn
Mh 16/4/98

Recd 16.4.98
L.R.M.

L.R. 9 (P) 91-1
1898

No. 2499

Name of Petitioner Puramma alias Putta
Puttamma daughter of
Puttamma [illegible]
residing at.

Village

Taluk Gubbi

District Tumkur

Date of Arzi 6 - 4 - 98

Date of Receipt 7 - 4 - 98

Date of Disposal

No. of Enclosure 8

ABSTRACT

Appeals against the order of the Dy. Commr. Tumkur District No. 1136 of 5-3-98 conveyed to her by Endt. No. 210 of 7-3-98 issued by the Amildar of Gubbi Taluk.

After some correspondence about the extension of the wall of the backyard attached to house Khaneshumari No. [illegible] in the Gubbi Kasaba, in which [illegible] in favour the drain [illegible] personal inspection of the spot the Dy Commr passed the following order:-

Puramma should be informed that I inspected the site in the presence [illegible] that the spot containing the well near Khaneshumari No. 574 - that it is Sarkar in the Kaneshumari of 1879-80 that the site belongs to Govt. that in the Sale deed Executed in favour of Government only the boundaries of the Sites given but not its Extent - that it is understood from our inspection that the limit of Government house is the red line marked F. E. D in the plan - that the vestige of the existence of an old wall along is also seen - that there is no doubt today that the vacant Site to the North of the said line and extending as far as the drain belongs to Govt. and that therefore She may build a wall on the line marked F. E. D.

Upon same as decided in the above order build a wall ⊕ on the line marked in the plan where the old wall existed and thereby Encroach on the Site situated to the North of it and including as far as the drain

⊕ [illegible]

The petitioner urges :-

On 1-5-94 she bought house + Kaneshumari No. 491 with its premises from [illegible] and Meenakshiammal for Rs. 150 and got the Sale deed duly registered - that every one and [illegible] She commenced to build on the vacant site situated within the boundaries mentioned in the above deed - in that the [illegible] petitioners gave her unnecessary trouble and complained against her to the Tahsil.

+ bounded
On the E. by [illegible] house
W. by Government house
N. & S. by public road.

She has enclosed herein the deposition given by her neighbours at the time of the Enquiry - the opinion expressed by the Municipal Councillors - Copy of the Kaneshumari account - the Tracings prepared by the villagers and Ext. No. 33 opined by the Councillors after personal inspection of the spot. If the above papers are gone through Govt. will see that the site under dispute belongs to the petr.

The gist of the counter-petitioner's complaint is that ~~a well~~ there is a well in site (No. 574) referred to in the [illegible] [illegible] - that there is a trough built in brick in chunam [illegible] on the vacant spot belonging to the petr. and adjacent to the above site - that there is also a stone slab to wash the cloths - and that consequently the spot should be taken from the petr. If the documents of the petition from Nos 2 to 7 were gone through it will be seen that the allegation about the existence of a trough and stone slab is false and that the complaint is groundless.

The site under dispute is not ancestral. It was obtained by purchase. If she is compelled to part with it she would be obliged to give up the built portion also. In the order referred against the the site under dispute is held to belong to Govt. If the site is treated to belong to Govt. who should be held responsible for this large amount? The Govt. will have to pay it with cost in case it is acquired by Govt under the Land Acquisition Act.

The maxim "caveat emptor" applies

Prays that the order of the Dy. Comr. may be cancelled by restoring the site to her.

Enclosures

(1) Sale deed of 30-5-94
(2) State. of Eeranna made before the [illegible] of Gubbi on 5-5-96 about the site and dispute and also the well, &c
(3) The opinion of the Municipal Councillors to the effect that the site belongs to petr.
(4) Kaneshumari Statement of 1879-80 of Gubbi
(5) Mahazar of 30-4-96 prepared by the residents of Gubbi to the effect that the site does not belong to Govt and belongs to petr.
6. Endt. No. 313 of 6-5-96 issued to petr. from Gubbi Taluk stating that the site belongs to petr. & that the Municipal authorities have no right to prevent her from building wall on it.
7. Plan of the site.
8. Endt. No. 210 of 9-3-98 issued to petr. from the Gubbi Taluk conveying Dy. Comr's order No. 1136 of 3-3-98.

9/4/98

[illegible] prepared
2 R Stamp[illegible]
7-4-98

[illegible]
5-4-98
[illegible]

[illegible]
5-4-98
[illegible]

2499

MYSORE [illegible]
[illegible]
2499R
DATE 7-4-98

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[illegible] | [illegible]
[illegible] | [illegible]

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(2) Vol 1341 R/2 2-5-98

Loa 90-97-2

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 2499 dated 6-4-98 received at the Dewan's Office from Gauramma alias Puttu Gauramma of Gubbi Kasba appealing against the order of the Dy Commr deciding that a certain site, claimed by petr under a private sale deed, is Govt land

is forwarded, together with its eight enclosures, to the Deputy Commissioner of the Tumkur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

Recd. Eastern Dn 26-4-98

BANGALORE,
30-4-1898
2-5

By order,

for Secretary.

28/4/98

General Serial No. 3

REVENUE DEPARTMENT
GL. No. 241
JUL 12 897
189

From The Deputy Commissioner
Tumkur District

To The Secretary to the
Govt of Mysore Genl &
Rev. Depts. —

Dated 9th }
Despatched 10th } July 1898
Received }

Enclosures No. Rev: file

General No. 33.

No.
Govt official memo-
randum No. 1841 dated
30th April 1898.

Reporting on the
appeal petition of
Govindanna alias
Puttia Govindanna
of Gubbi Taluk

Precis (encl) 19/7/98

No. 773 Krishnaiengar 19/7/98

[illegible]
[illegible] 2/7/98

Precis put up 30/7/98 Subd

30/7/98 MG

LR 90-97-3

Subd to Rev C-S D
with precis
12/8/98

Recd 6-8-98 12-8-98

Subd to 1st C
2/9/98

231

9676
For a day
fixing appt
for return
2/9/98

Petition Recd
12.7.98

Rd on 13/7/98.
Ref put up
AK
14/7/98
Subd
MG
15/7/98

Central Jail Press, Bangalore.—6-3-97.—10,002.

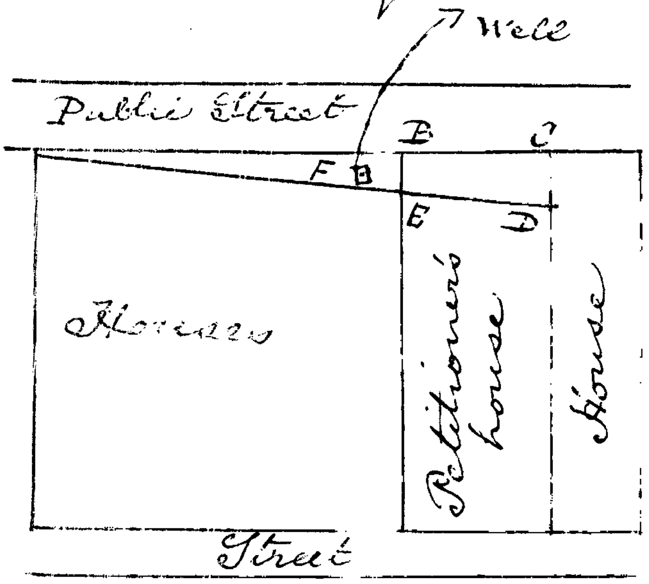
No. 33 Deputy Commissioner's Office
~~Rev: Misc: file~~ Tumkur District

Dated, Tumkur, 9th July 1898.

To The Secretary to the Government
of Mysore, General and Revenue Departments

Sir,

With reference to Government Official Memorandum No Rel/1341 dated 30th April 1898 forwarding for report the petition of Gauramma alias Putta Gauramma of Gubbi, appealing against this office order directing that a certain site claimed by her under a private sale deed is Government land, I have the honor to state that the petitioner claims the ground marked B.C.D.E. on the marginal sketch as her property. The ground in question is a narrow strip of land adjoining the public street, on which a water trough



for cattle and a stone slab for washing clothes upon, had stood. The well marked F is a public well. At the points marked E and D, there are traces of an old wall which denoted the northern boundary of the house belonging to petitioner Gauramma. Beyond the line joining these two points, she has no claim. The mere mention of the public street as the northern boundary in the deed of Conveyance under which she holds her house is not sufficient to establish her claim to any land beyond the wall joining points E and D.

2. The ground upon which the well, the trough and the stone slab stood has been registered in the Khaneshumari account of 877-80 as No: 574 and marked as Government site.

3. The eight enclosures mentioned in the Memorandum under reply together with the whole record

connected with the case are herewith submitted.

I have the honor to be

Sir

Your most obedient Servant

C. V. Narain Rao

Deputy Commissioner

Proceedings of the Govt of Mysore

(5)

Appeal No 198 97-98

Appellant Govaramma alias Putta-Govaramma

Lp 90 97 H

Read:-

Petition of Appeal No $\frac{2498}{A.S.19}$ of 97-98 presented by Govaramma alias Putta-~~Govaramma~~ of Gubbi, against the order of the Dy Commr Tumkur Dist rejecting the appellants claim to a vacant strip of land adjoining the back yard of the appt's house, Khaneshumari No 491 of Gubbi Kasba

(2) Letter No 33 of 9-7-98 from the Dy Commr Tumkur Dist reporting that in his opinion the land in dispute is included in the Govt land bearing Khaneshumari No 574 and containing the well, though the boundaries specified in the sale-deed conveying the house to the appt include the land in dispute

Draft for appl

Sub^d to Ch^f Com^r [illegible]

20/2/98

$\frac{10684}{}$ app^d as alt^d

[illegible]

Bring up for Council

23/2/98

5822-9 / 23

Order No [illegible] -98

There is no satisfactory evidence

~~It is not proved that~~

Appeal in [illegible]

of [illegible] that

Khanishumari No 574 +
includes the site in
dispute. That No apparently
refers to only the site
containing the walls, which is not claimed by Government. The
evidence of the Municipal
Commissioners and Mitra witnesses taken in this case is in
favor of Government's
title ~~which is also supported~~ and the said deed also shows that the site in dispute lies within the boundaries recited in it.
~~by the sale deed~~. The order
of the Asst Commr is accordingly
reversed and the claim of Government to continue in possession of the site in dispute, marked [illegible] in [illegible] of the [illegible]

2. The [illegible] observe that in ~~builder might~~
an important case like this, where
~~have himself~~ made the
the [illegible] in a [illegible]
~~[illegible]~~
the examination of Municipal Commissioners
[illegible] the [illegible]
~~[illegible]~~ the duty to a
[illegible] the Cutcheri
5~~heikdar~~ a [illegible] the [illegible]
might [illegible] have made the [illegible]
C I C 2 instead of delegating it to the Sheikdar –

Draft for Secretary

To the Asst Commr [illegible]
with records
[illegible] of the [illegible]

23-2-99

[illegible] 20 – 2 – 99

Grant in [illegible]
after [illegible] in [illegible]
[illegible]

Press copy put up
22/–

Appeal No. 19 of 1897-98.

Gauramma *alias* Puttu Gauramma *Appellant.*

READ—

Petition of Appeal No. 2499—A. S. 19 of 1897-98, presented by Gauramma *alias* Puttu Gauramma of Gubbi, against the order of the Deputy Commissioner, Tumkur district, rejecting the appellant's claim to a vacant strip of land adjoining the backyard of the appellant's house, Khaneshumari No. 491 of Gubbi kasba.

2. Letter No. 33, dated 9th July 1898, from the Deputy Commissioner, Tumkur district, reporting that, in his opinion, the land in dispute is included in the Government land bearing Khaneshumari No. 574 and containing the well, though the boundaries specified in the sale-deed, conveying the house to the appellant, include the land in dispute.

No. 5822-0—P. F. 56-98, DATED BANGALORE, 24TH FEBRUARY 1899.

ORDER THEREON.—There is no satisfactory evidence to support the Deputy Commissioner's opinion that Khaneshumari No. 574 includes the site in dispute; that number apparently refers to only the site containing the well which is not claimed by Gauramma. The evidence of the Municipal Commissioners and other witnesses taken in this case is in favor of Gauramma's title, and her sale-deed also shows that the site in dispute lies within the boundaries recited in it. The order of the Deputy Commissioner is accordingly reversed, and the claim of Gauramma to continue in possession and enjoyment of the site in dispute, marked B. E. D. C. in the sketch submitted by the Deputy Commissioner, allowed.

2. Government observe that in an important case like this, where the dispute arose in a Municipal town, necessitating the examination of Municipal Commissioners and other respectable witnesses and the inspection of the disputed locality situate in the kasba or taluk head-quarters, the Amildar might himself have made the enquiry instead of delegating it to the shekdar.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner of Tumkur District, with records.

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 24th February 1899

No. 5822-9
P.F. 56-98

Passing orders on the appeal of Ga
ramma of Gubbi *re* her claim for a vacan
strip of land adjoining a public street i
Gubbi, and observing that the enquiry i
this case might have been made by th
Amildar himself instead of the same bein
delegated to the shekdar.

MGEPB—4-3-99—200

④

Ex 90-97-5

[illegible] 2499. 9/8 2 drafts / p [illegible] 23-2-99

[illegible]

[illegible]

[illegible] 6-4-98 [illegible]

[illegible] 574 [illegible] ~~[illegible]~~ [illegible] 22-2-99 [illegible]

By Order

Secretary

Draft
Bbu
18/2